

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**PAUL L. RODRIGUEZ, M.D.**

Holder of License No. 4734  
For the Practice of Allopathic Medicine  
In the State of Arizona.

Case No. MD-04-1395A

**CONSENT AGREEMENT FOR  
STAYED SUSPENSION AND  
PRACTICE RESTRICTION**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Paul L. Rodriguez, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. Respondent acknowledges and understands that this Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

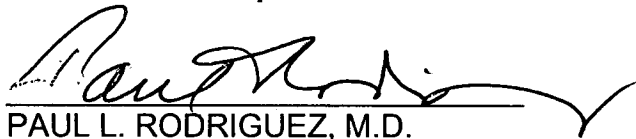
1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

3 5. Respondent acknowledges and agrees upon signing this Consent  
4 Agreement, and returning this document (or a copy thereof) to the Board's Executive  
5 Director, Respondent may not revoke his acceptance of the Consent Agreement.  
6 Respondent may not make any modifications to the document. Any modifications to this  
7 original document are ineffective and void unless mutually approved by the parties.

8 6. Respondent further understands that this Consent Agreement, once  
9 approved and signed, is a public record that may be publicly disseminated as a formal  
10 action of the Board and will be reported to the National Practitioner Data Bank and to the  
11 Arizona Medical Board's website.

12 7. If any part of the Consent Agreement is later declared void or otherwise  
13 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in  
14 force and effect.

15 8. ***Respondent has read and understands the condition(s) of probation.***

16   
17 PAUL L. RODRIGUEZ, M.D.

DATED: 9-26-05

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of  
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 4734 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-04-1395A after receiving a report from  
7 the Federation of State Medical Boards regarding an action taken by the Oklahoma State  
8 Board of Medical Licensure and Supervision ("Oklahoma Board").

9 4. The Oklahoma Board action was taken as a result of Respondent allowing  
10 an unlicensed individual to operate a laser owned by Respondent from mid 2003 through  
11 January 2004. Oklahoma Board also cited Respondent on prescribing and dispensing  
12 violations.

13 5. On November 5, 2004 Oklahoma Board suspended Respondent's license for  
14 six months and upon reinstatement of the license, restricted Respondent's license to not  
15 supervise physician assistants. The Oklahoma Board Order incorporated by reference and  
16 is attached.

17 **CONCLUSIONS OF LAW**

18 1. The Board possesses jurisdiction over the subject matter hereof and over  
19 Respondent.

20 2. The conduct and circumstances described above constitute unprofessional  
21 conduct pursuant to A.R.S. § 32-1401(27)(a) - ("[v]iolating any federal or state laws or  
22 rules and regulations applicable to the practice of medicine.") Specifically, A.R.S. § 32-  
23 2554(A)(1) - ("[a] person who does any of the following is guilty of a class 6 felony: (1)  
24 Performs a health care task if that person is not licensed pursuant to this chapter or is not  
25 exempt from licensure pursuant to this chapter;") and A.R.S. § 13-1004(A) - ("[a] person

1 commits facilitation if, acting with knowledge that another person is committing or intends  
2 to commit an offense, the person knowingly provides the other person with means or  
3 opportunity for the commission of the offense.”)

4       3.     The conduct and circumstances described above constitute unprofessional  
5 conduct pursuant to A.R.S. § 32-1401(27)(d) - (“[c]ommitting a felony, whether or not  
6 involving moral turpitude, or a misdemeanor involving moral turpitude. In either case,  
7 conviction by any court of competent jurisdiction or a plea of no contest is conclusive  
8 evidence of the commission.”)

9       4.     The conduct and circumstances described above constitute unprofessional  
10 conduct pursuant to A.R.S. § 32-1401(27)(e) - (“[f]ailing or refusing to maintain adequate  
11 records on a patient.”)

12       5.     The conduct and circumstances described above constitute unprofessional  
13 conduct pursuant to A.R.S. § 32-1401(27)(j) - (“[p]rescribing, dispensing or administering  
14 any controlled substance or prescription-only drug for other than accepted therapeutic  
15 purposes.”)

16       6.     The conduct and circumstances described above constitute unprofessional  
17 conduct pursuant to A.R.S. § 32-1401(27)(o) - (“[a]ction that is taken against a doctor of  
18 medicine by another licensing or regulatory jurisdiction due to that doctor’s mental or  
19 physical inability to engage safely in the practice of medicine, the doctor’s medical  
20 incompetence or for unprofessional conduct as defined by that jurisdiction and that  
21 corresponds directly or indirectly to an act of unprofessional conduct as defined by this  
22 paragraph. The action taken may include refusing, denying, revoking or suspending a  
23 license by that jurisdiction or surrendering a license to that jurisdiction, otherwise limiting,  
24 restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by  
25 that jurisdiction.”)

7. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) - ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

8. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(cc) - ("[m]aintaining a professional connection with or lending one's name to enhance or continue the activities of an illegal practitioner of medicine.")

9. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(ss) - ("[p]rescribing, dispensing or furnishing a prescription medication or prescription-only device as defined in section 32-1901 to a person unless the licensee first conducts a physical examination of that person or has previously established a doctor-patient relationship.")

## ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent's license for the practice of allopathic medicine in the State of Arizona is suspended. The suspension, however, is stayed.

2. Respondent is placed on probation for five years with the following terms and conditions:

A. Respondent's practice is restricted in that he may not supervise any physician assistant.

3. This Order is the final disposition of case number MD-04-1395A.

DATED AND EFFECTIVE this 12<sup>th</sup> day of October, 2005.

1 (SEAL)



ARIZONA MEDICAL BOARD

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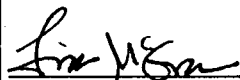
7 By   
TIMOTHY C. MILLER, J.D.  
Executive Director

8 ORIGINAL of the foregoing filed this  
9 12<sup>th</sup> day of October, 2005 with:

10 Arizona Medical Board  
11 9545 E. Doubletree Ranch Road  
12 Scottsdale, AZ 85258

13 EXECUTED COPY of the foregoing mailed  
14 this 12<sup>th</sup> day of October, 2005, to:

15 Paul L. Rodriguez, M.D.  
16 Address of Record

17 

18 Investigational Review  
19  
20  
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22  
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IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

**FILED**

NOV - 5 2004

STATE OF OKLAHOMA  
EX REL. THE OKLAHOMA BOARD  
OF MEDICAL LICENSURE  
AND SUPERVISION,

Plaintiff,

v.

PAUL LOPEZ RODRIGUEZ, M.D.,  
LICENSE NO. 10166

Defendant.

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 04-03-2777

**FINAL ORDER OF SUSPENSION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 4, 2004, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel R. Brown Wallace.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

***Findings of Fact***

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

3. Defendant, Paul Lopez Rodriguez, M.D, holds Oklahoma medical license no. 10166 and is a practicing radiologist in Elk City, Oklahoma.

4. Beginning in mid-2003 and continuing through January 30, 2004, Defendant allowed Randy Jones, an unlicensed individual, to operate a laser owned by Defendant and treat patients in Tulsa, Oklahoma at a business known as Natural Images. Defendant admits that he was never present during any of the laser procedures, nor did he ever review any charts or records or perform physical examinations of patients receiving laser treatments prior to the procedures.

5. According to his agreement with Mr. Jones, Defendant was to be paid a percentage of the revenues from the use of the laser. Mr. Jones represented himself as a physician assistant, but in fact, was not licensed as a physician assistant in the State of Oklahoma.

6. During the time that Defendant allowed Mr. Jones to treat patients with his laser in Tulsa, Oklahoma, Defendant wrote or authorized at least thirty-three (33) prescriptions for both non-controlled and controlled drugs in the name of Natural Images. The controlled drugs included at least seven (7) prescriptions for liquid Diazepam. Pharmacy records reflect that on at least three (3) occasions, the pharmacist in Tulsa contacted Defendant in Elk City for Defendant's authorization for the Diazepam, which was given by Defendant. The prescriptions were then picked up by Mr. Jones or another employee of Natural Images in Tulsa.

7. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(14) and OAC 435:10-7-4(39).
- B. Aided or abetted the practice of medicine and surgery by an unlicensed, incompetent, or impaired person in violation of OAC 435:10-7-4(21).
- C. Aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(15).
- D. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
- E. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

- F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- G. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(19).
- H. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs in violation of OAC 435:10-7-4(1).
- I. Dispensed, prescribed or administered a Controlled substance or Narcotic drug without medical need in violation of OAC 435:10-7-4(6).
- J. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

#### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2 Defendant is guilty of unprofessional conduct in that he:

- A. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(14) and OAC 435:10-7-4(39).
- B. Aided or abetted the practice of medicine and surgery by an unlicensed, incompetent, or impaired person in violation of OAC 435:10-7-4(21).

- C. Aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(15).
- D. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
- E. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).
- F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- G. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(19).
- H. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs in violation of OAC 435:10-7-4(1).
- I. Dispensed, prescribed or administered a Controlled substance or Narcotic drug without medical need in violation of OAC 435:10-7-4(6).
- J. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509(9), (13), (14), (15) and (19) and OAC 435: 10-7-4 (1), (6), (11), (21), (27), (30) and (39).

#### *Order*

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The license of Defendant, Paul Lopez Rodriguez, M.D., Oklahoma license no. 10166, is hereby **SUSPENDED** as of the date of this hearing, November 4, 2004 for a period of six (6) months.


2. Upon reinstatement of his suspended license, Defendant's license shall be **RESTRICTED** in that he shall not be allowed to supervise physician assistants under 59 O.S. §519.1 et seq.

3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of \$15,000.00, to be paid on or before February 4, 2005.

4. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.


5. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs.

Dated this 5 day of November, 2004.

  
Gerald C. Zumwalt, M.D., Secretary  
Oklahoma State Board of  
Medical Licensure and Supervision

#### CERTIFICATE OF SERVICE

I certify that on the 5 day of November, 2004, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to R. Brown Wallace and to Eugene K. Bertman, 2837 N.W. 58<sup>th</sup> Street, Oklahoma City, OK 73112.

  
Janet Swindle

I do hereby certify that the above and foregoing is a true copy of the original

FINAL ORDER

now on file in my office.

Witness my hand and Official Seal of  
the Oklahoma State Board of Medical

Licensure and Supervision this

21<sup>st</sup> DAY  
Dec. 2004 